IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

AR.No. 21 of 2007()

PETITIONER

K.B.RADHAKRISHNAN,
S/O.BALAKRISHNAN CHETTIYAR, AGED 50 YEARS,
RESIDING AT HOUSE NO.25/28, RAILWAY STATION ROAD,
POLLACHI- 642 001.

BY ADV. SRI.A.BALAGOPALAN
SMT.LAKSHMI. T.
SMT.KALA G.NAMBIAR

RESPONDENTS:

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1. VARGHESE CHACKO,
S/O.ACHANARIL MATHAI VARGHESE,
AGED 51 YEARS, G-508, VRINDAVAN APARTMENTS,
VYTTILA, KOCHI- 682 019.

2. NAZARUDDEEN, AGED 60 YEARS,
S/O R.ABDUL HAMEED RAWTHER, 'DARUSALAM',
LAJNATH WARD, ALISSERY ROAD, ALAPPUZHA- 688 001.

BY ADV. SMT.SALLY THOMAS CHACKO
SRI.P.T.THOMAS PERAKATH
SMTJ.N.NISHA

THIS ARBITRATION REQUEST HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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A.R.No.21 of 2007

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Dated: 22nd November, 2007

ORDER

Even though a serious contention has been raised by the 1st respondent in the counter affidavit to the effect that Annexure A4 was not received by that respondent, in the teeth of Annexure A5, I am unable to accept that contention. Obviously, there is an arbitration clause in the agreement and according to me, no prejudice will be occasioned to any of the parties if I appoint a retired judicial officer of known integrity, honesty and learning to arbitrate on issues. Allowing the A.R., Mr.N.Sukumaran, Advocate and Retired District and Sessions Judge is appointed as Arbitrator to arbitrate on and settle the disputes between the parties as revealed by Annexure A1. It is open to the respondents to raise counter claims, if any, through the written statement which may be filed before the Arbitrator in which case the Arbitrator will adjudicate upon those counter claims also. The Arbitrator will enter on reference and pass award at the earliest.

srd **PIUS C.KURIAKOSE, JUDGE**